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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,261	02/17/2000	Dennis Palatov	MGANO-010A	7408
23879 7590 04/01/2008 O'Melveny & Myers LLP IP&T Calendar Department LA-1118 400 South Hope Street Los Angeles, CA 90071-2899				
EXAMINER				
BROWN, RUEBEN M				
ART UNIT		PAPER NUMBER		
2623				
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04/01/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/506,261

Applicant(s)

PALATOV ET AL.

Examiner

REUBEN M. BROWN

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 02/25/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30, 32-34, 36-50 and 52-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 30, 32-34, 36-50 and 52-56 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-883)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 2/25/2008, PROSECUTION IS HEREBY REOPENED. As set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Chris Kelley/

Supervisory Patent Examiner, Art Unit 2623

Response to Arguments

2. Applicant's arguments, with respect to the rejection(s) of claim(s) under 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 30, 32-34, 36-50 & 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis, (US PG-PUB 2005/0144641), in view of Stafford, (U.S. Pat # 6,886,070).

Considering claims 30, the claimed system for distributing video content, comprising,

'an interactive kiosk configured to be located in a public location, the kiosk comprising a receptacle configured to manually receive a storage device via a second physical connector adapted to mate with a first connector, an input device for receiving input from a user, the kiosk further configured to securely store video content in response to the received user input', is met by the VPR/DMS of Lewis which is receiver that receives video programming from one or more video providers, Para [0023; 0261] . Lewis teaches that the video may at least be temporarily stored in memory 14 and secured by scrambling and/or other methods, Para [0135; 0144].

As for the claimed, *'configured to be located in a public location'*, Lewis teaches that the VPR/DMS is appropriate for a range of commercial applications, including bookstores, rental stores, music stores, etc., Para [0201].

Furthermore, Lewis teaches that video data that has been stored in memory 14 may be retrieved onto one or more portable storage medium 19, Para [0198-0199; 0204; 0215].

As for the claimed, *'portable video content storage device upon which digitally encoded video content is securely stored to prevent unauthorized access, the storage device comprising memory capable of storing a least MPEG2 quality video content a security module that connects with and limits access to the memory'*, Lewis teaches a plurality of storage devices that may interface with the receiver to download digitally compressed data, that may also be scrambled, Para [0035; 0211; 0215; 0254; 0257].

'a device controller that connects with and controls the memory, wherein the memory is compatible with the device controller but the memory is incompatible with industry standard device controllers', Lewis teaches that system may operate in a manner that video programming is stored in a proprietary format, which would require the unique functions of the VPR/DMS see, Para [0254; 0257].

The claimed, 'set top box comprising a second receptacle configured to manually receive the storage device via a third physical connector to mate with the first connector, the set top box further configured to access securely store video content from the storage device, and provide the video content to a display device', Lewis teaches that the VPR/DMS is also enabled to receive video programming from a plurality of portable storage medium, see Para, [0254]. As for, *'configured to accumulate content use data and store the accumulated content use data directly onto the storage device',* see Para [0260], which teaches that the VPR/DMS is capable of electronic monitoring and logging all transactions.

The further claimed feature that the first second and third connectors are incompatible with industry standards, Lewis teaches that information may be formatted in a manner that is proprietary, but does not mention the physical connectors. However, Stafford, which is in the same field of endeavor teaches a proprietary interface for connecting a memory device to a receiver, see Fig. 1; col. 5, lines 35-55. It would have been obvious for one of ordinary skill in

the art at the time the invention was made, to modify Lewis with the teaching of a proprietary interface, for the desirable advantage of limiting access to the devices and/or content.

Considering claim 32, a passive storage media unit reads on the portable device of Lewis.

Considering claim 33, Lewis teaches scrambling, watermarking, etc. [0260].

Considering claim 34, the claimed method of obtaining and using video content corresponds with subject matter mentioned above in the rejection of claim 30, and is likewise treated.

Considering claim 36, the claimed *'manually reinserting the storage device in the kiosk'*, reads on the combination of Lewis [0215] & Stafford, Fig. 2; col. 3, lines 22-60.

Considering claim 37, the hand-held dedicated secure video content storage device corresponds with subject matter mentioned above in the rejection of claim 30, and is likewise treated. In particular, the portable storage device of Lewis, meets the claimed, 'mass storage device', see [0215].

Considering claim 38, the physical connectors in Lewis & Stafford are electrical.

Considering claim 39, Official Notice is taken that optical connectors were known at the time the invention was made. It would have been obvious for one of ordinary skill in the art to modify Lewis with an optical connector at least, for the benefit of increased portability.

Considering claim 40, Lewis teaches authentication.

Considering claims 41-47 & 52-56, Lewis teaches all subject matter, Para [0189-0191, 0211, 0213, 0214, 0260].

Considering claim 48, the claimed set-top box for accessing video content stored on a portable storage device, corresponds with subject matter mentioned in the rejection claim 30 and is likewise treated. Furthermore, Lewis teaches that the receiver is enabled to store, process and playback data products from a portable storage device, see Para [0254].

Considering claims 50 & 51, the system of Lewis inherently controls the portable storage device and decrypts data stored therein.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Mankovich Teaches retrieving video data from a storage device 130, suing a portable means. 300

B) Quarendon Public dispenser of music products.

/Reuben M. Brown/

Patent Examiner, Art Unit 2623

Art Unit: 2623

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown